

MODEL CERTIFIED LOCAL GOVERNMENT ORDINANCE

COMMISSION RESOLUTION No. _____

A RESOLUTION OF THE COUNCIL OF THE BOARD OF COMMISSIONERS OF
_____ COUNTY CREATING AND ESTABLISHING A COMMISSION TO BE KNOWN AS THE
_____ HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR
APPOINTMENT AND QUALIFICATION OF MEMBERS, DUTIES AND RESPONSIBILITIES OF THE
HISTORIC PRESERVATION COMMISSION, APPOINTMENT AND DUTIES OF THE LOCAL HISTORIC
PRESERVATION OFFICER.

WHEREAS, the Board of Commissioners of _____ County find that it appears to be in the best interests of the citizens of the County of _____ to create and establish a Historic Preservation Commission:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF _____:

Section 1. That the Board of Commissioners of _____ County, by this joint resolution, hereby create and establish the _____ Historic Preservation Commission pursuant to the following terms and conditions:

A. DEFINITIONS: _____

B. PURPOSE AND INTENT: To provide for an appointed board of citizens of _____ County to preserve and develop the unique historical, governmental and environmental qualities of _____ County by establishing a local historic preservation program, to integrate historic preservation into local planning and decision-making processes, to participate fully in state and federal planning, and to provide for identification, evaluation and protection of historic and prehistoric resources within _____ County.

This program is intended to promote the public interest and general welfare by:

- (1.) Recognizing the uniqueness and visual character of the area by encouraging historic preservation activities;
- (2.) Promoting public appreciation and education by encouraging greater knowledge, awareness and understanding of the area's cultural history;
- (3.) Promoting heritage tourism, as a benefit to the local economy, by identifying and protecting the area's significant historical and cultural values;
- (4.) Encouraging the integration of historic preservation into private, local, state and federal decision-making processes having the potential to affect prehistoric and historic properties within the jurisdiction of _____ County;
- (5.) Recognizing the historical importance of _____ County and carrying that historical importance forward into the future;
- (6.) Recognizing the cultural significance of _____ County as an area of human habitation and/or migration and the circumstances surrounding these historic and prehistoric activities,

This program is also intended to seek state and federal government recognition of ____ County's commitment to historic preservation by participating in the Certified Local Government Program, (established by Section 101(c) of the National Preservation Act, as amended, (16 USC 470 et seq.).

- C. OBJECTIVE: The objective of _____ County Historic Preservation Resolution is to establish a local Historic Preservation Commission to promote the preservation of historic and prehistoric sites, structures, objects, buildings and districts by addressing historic preservation issues at the local level and integrating them into local planning, and state and federal decision-making processes. The historic preservation program will include the identification, evaluation and protection of historic and prehistoric resources within _____ County, as well as providing general information and education about these resources.
- D. SCOPE: The _____ County Historic Preservation Commission shall serve in an advisory capacity to the _____ County Commissioners, _____ County Planning Board, _____ Zoning Board and other pertinent bodies or organizations.
- E. COMMISSION MEMBERS: The _____ County Historic Preservation Commission shall consist of no fewer than five (5) members with a demonstrated interest, competence or knowledge in historic preservation. The County Commissioners shall jointly appoint if available three (3) Commission members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology or other historic preservation related disciplines such as cultural geography or cultural anthropology to the extent that such professional expertise is available in the community.
- F. APPOINTMENT AND TERMS: Terms of office for the Historic Preservation Commission members shall be, upon enactment of this resolution, for two years. The original board shall be appointed in divided terms: the majority shall be appointed to one year terms and the minority shall be appointed for two year terms. The number of consecutive terms served by any one member will not be limited.
- G. LOCAL HISTORIC PRESERVATION OFFICER: The _____ County Commission will appoint a local Historic Preservation Officer, who may be employed by the appropriate County department. The Preservation local Historic Preservation Officer must have a demonstrated interest, competence or knowledge in historic preservation with professional expertise in history, planning, archaeology, architecture, architectural history, historic archaeology or a closely related field to the extent that such professional expertise is available to the community.
- (1.) Duties of the local Historic Preservation Officer include coordinating local historic preservation programs, helping in the development of local surveys, projects and historic preservation planning documents, advising and providing assistance to the local Historic Preservation Commission, government agencies and the public, and ensuring to the extent practicable, that the duties and responsibilities delegated by this ordinance are carried out.
- H. MEETINGS: The Historic Preservation Commission shall conduct a minimum of one (1) regularly scheduled meetings each month, except that the chairperson may cancel any meeting if there are no matters to be considered or schedule special meetings when such meetings are necessary to carry out the provisions of this resolution.
- Special meetings of the Commission may be called by the chairperson or by two [2] members. All meetings shall be held in public and in accordance with the Montana State Open Meeting law. Notice of the meetings should be calculated to reach all interested and affected members of the community in sufficient time to enable them to participate meaningfully, through circulation, radio public service announcements, news releases to local news media or any other method deemed necessary and appropriate. All written or taped minutes, reports and case decisions shall be available to the public.
- The Historic Preservation Commission shall establish by-laws conforming to the guidelines set forth in the Montana Certified Local Government Manual.
- I. POWERS AND DUTIES: The _____ County Historic Preservation Commission shall:

- (1.) Maintain a system for the survey and inventory of historic and prehistoric properties. This information shall be available to the public. The Commission shall withhold information about the location, character or ownership of historic or prehistoric resources if that disclosure may (a) cause a significant invasion of privacy, (b) risk harm to the resource, or (c) impede the use of a traditional religious site by practitioners (Section 304 of the National Preservation Act, as amended, 16 USC 470 et seq.);
- (2.) Use the "National Register of Historic Places Criteria for Evaluation" for local designation of historic and prehistoric properties;
- (3.) Review and participate in all proposed National Register nominations within _____ County according to Montana Certified Local Government Manual;
- (4.) Encourage public participation while assisting with the enforcement of appropriate State and local Legislation concerning historic preservation having the potential to affect prehistoric and historic properties within the jurisdiction of _____ County;
- (5.) Submit an annual report to the State Historic Preservation Office meeting the requirements established by the Montana Certified Local Government Manual;
- (6.) At least one (1) member shall attend at least one (1) training session each year, and provide to all historic preservation Commission members for review any orientation materials provided by the State Historic Preservation Office;
- (7.) Review and comment on land use proposals and planning programs related to historic and prehistoric resources;
- (8.) Consult with the City, State and Federal agencies on all applications, environmental assessments, environmental impact statements and other similar documents pertaining to historic districts, landmark sites and landmark or neighboring properties within _____ County. Comments by the Historic Preservation Commission will be sent by the local Historic Preservation Officer to the _____ County Commissioners;
- (9.) Review the local zoning regulations for their applicability to the characteristics of the proposed historic districts and make appropriate recommendations to the appropriate Town and County Zoning Commissions or Councils concerning any changes or modifications to the zoning regulations or zoning district boundaries;
- (10.) Assist with the preparation and adoption of Comprehensive Historic Preservation Plans and assist with the periodic updates of said plans;
- (11.) Provide information, advice and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping or maintenance of potentially historic buildings, sites, objects or structures. The Historic Preservation Commission may recommend voluntary design guidelines based upon the Secretary of the Interiors Standards for Historic Preservation, which will be made available to the public for assistance in preservation projects.
- (12.) Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic preservation, including potential tax incentives and federal and/or state grants when available.
- (13.) The Historic Preservation Office shall provide a copy of the annual report to the State Historic Preservation Office (provided for in Section 5 of this Resolution) to the _____ County Commissioners. The Historical Preservation Commission may in addition provide quarterly reports to the _____ County Commissioners to discuss their activity for the past quarter. Minutes of Commission meetings and any other information deemed necessary may be appended to the quarterly reports.

- (14.) Undertake any actions necessary to assure compliance with federal and state guidelines regarding the Certified Local Government program.

J. SEVERABILITY CLAUSE: If any section, subsection, sentence, clause, phrase or word of the Resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution, and the remainder of the Resolution will remain in force and effect.

Signed on this ____ day of _____, _____

_____ County Commission:

Attest
Clerk and Recorder